IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Igor Postelnik, Jocelyn E. Goldfein, Phil G. Gilbert		
Assignee:	pcOrder.com, Inc.		
Title:	System and Method for Multi-Source Transaction Processing		
Serial No.:	09/518,766	Filing Date:	March 3, 2000
Examiner:	Sabrina A. Chang	Group Art Unit:	3625
Docket No.:	T00062	Customer No.:	33438

Austin, Texas
August 15, 2005

Mail Stop Appeal Brief - Patents
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 CFR § 41.37

Dear Sir:

Applicant submits this Appeal Brief pursuant to the Notice of Appeal filed in this case on February 16, 2005 and received by the U.S. Patent & Trademark Office on February 22, 2005. A check is enclosed which includes the $500.00 fee for this Appeal Brief. The Board is also authorized to deduct any other amounts required for this appeal brief and to credit any amounts overpaid to Deposit Account. No. 502264.

REAL PARTY IN INTEREST - 37 CFR § 41.37(c)(1)(i)

The real party in interest is the assignee, pcOrder.com, Inc., as evidenced by the assignment set forth at Reel/Frame 010981/0985.

RELATED APPEALS AND INTERFERENCES - 37 CFR § 41.37(c)(1)(ii)

There are no appeals or interferences that could directly affect or be directly affected by or have a bearing on the decision by the Board of Patent Appeals and Interferences in the pending appeal.

STATUS OF CLAIMS - 37 CFR § 41.37(c)(1)(iii)

- Claims 1 and 4-29 are pending.
- Claims 1 and 4-29 stand finally rejected as set forth in the Final Office Action dated September 17, 2004.
- The rejection of claims 1 and 4-29 is appealed.
- Appendix "A" contains the full set of pending claims.

STATUS OF AMENDMENTS - 37 CFR § 41.37(c)(1)(iv)

No amendments after final have been requested or entered.

SUMMARY OF CLAIMED SUBJECT MATTER - 37 CFR § 41.37(c)(1)(v)

A concise explanation of the subject matter defined in each of the independent claims and involved in the appeal and each dependent claim argued separately is set forth below. References to the specification recite appropriate page numbers and paragraph numbers as set forth in the substitute specification filed on November 25, 2002. Applicants specifically note that the present invention is defined by the claims and not by specific embodiments set forth in the Detailed Description of the specification.

Claim 1.

With reference to the example embodiment of Figures 2, 3, 4, 5, 6, and 7 of the present application, the invention of claim 1 relates to a transaction processing method that utilizes an order request servicing system to receive, process, split, and route order requests received from a client system to order request management systems of fulfillment partners.

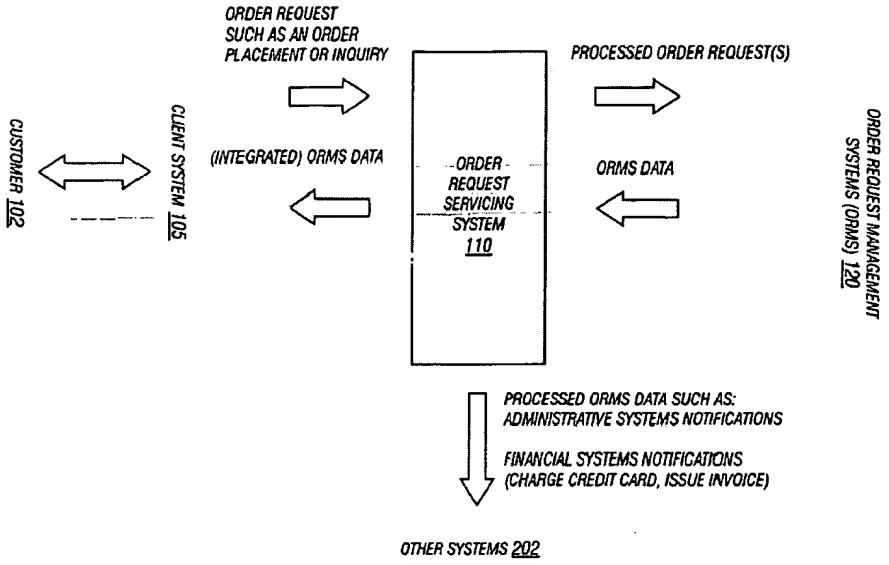

FIG. 2

In summary, referring to Figure 2, the order request servicing system 110 is an intermediate system disposed between client system 105 and order request management systems 120 of fulfillment partners. A customer 102 utilizes the client system 105 to submit an order request. The order request servicing system 110 processes the order request. The order request servicing system 110 processes the order request uses analytical processes to divide orders into 'sub-orders' and to select a fulfillment partner to fulfill each sub-order. The order request management system of each fulfillment partner transmits data associated with the processed order request to the order request servicing system, and the order request servicing system integrates the multiple pieces of data into a single piece of information for the client system 105.

More specifically, the intermediary order request servicing system 110 routes order request information in accordance with an analytical process performed by the order request servicing system 110. Upon receiving an order request from the client system 105 (steps 610 and 612), the order request servicing system 110 analyzes the order request (step 622). Substitute Specification, p. 22, para. 79. The order request servicing system 110 analyzes the order to identify items ordered and selects providers for each item ordered by the client (step 716) from the business relationships of the client." *Id.*, p. 24, para. 87. "In step 718, the routing object 324 [of the order servicing system 110] generates a fulfillment plan 430 for the order 410, with each item of the order related to a provider fulfillment partner." *Id.*, p. 24, para. 88. "In step 720, order service 320 [of the order request servicing system 110] creates processed order

request transactions in the form of a provider order 440 for each [fulfillment partners'] order request management system 120 to fulfill one or more items of the order." *Id.* "Order request servicing system 110 may then use module 550 of Fig. 5 to transmit the created transactions to the client systems 105." *Id.*, pp. 25-26, para. 89.

The order request servicing system 110 also integrates information flow from multiple fulfillment partners related to a single order placed by a client system 105 to provide an integrated presentation to the client system 105. "A response to an order request flows from the provider order request management systems 120 through the order request servicing system 110 and the client system 105 to the customer 102." *Id.*, pp. 15-16, para. 53. "Each provider order status is communicated to and analyzed by the order request servicing system 110 to produce an integrated order status for the order from which the provider order originated." *Id.* "During the entire process, the order request servicing system 110 integrates all order information from the providers' order request management systems, providing a single integrated source of complete, accurate, and timely order status information" to the client system 105. *Id.*, p. 11, para. 40.

Claim 9.

Dependent claim 9 includes all of the limitations of independent claim 1 and is further directed to processing order requests using a chain of N intermediary order request servicing systems in an order servicing organization as illustratively depicted in Figures 5A and 5B (collectively referred to as Figure 5).

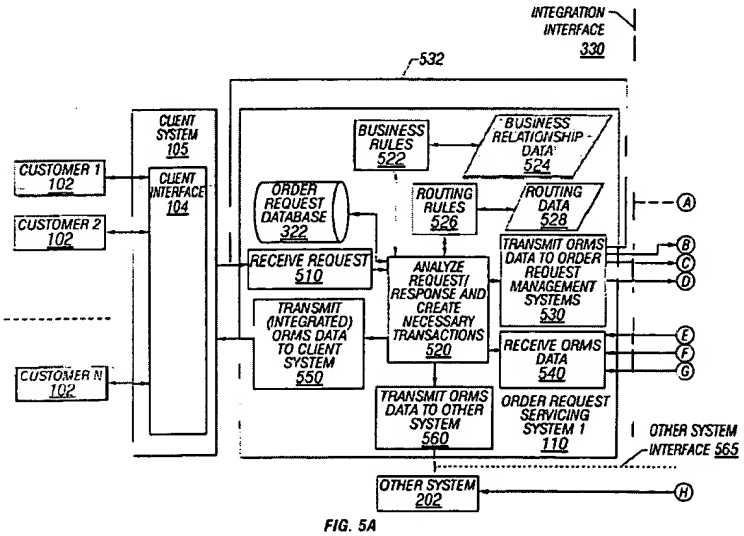

FIG. 5A

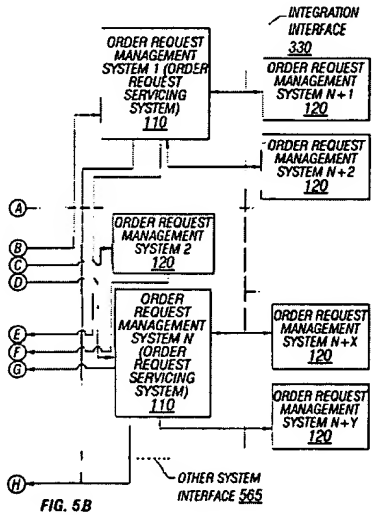

FIG. 5B

"The order request servicing system 110 can interface with a provider's order request management system 120 that is also an order request servicing system 110, as shown by the order request servicing system 2 and order request servicing system N modules in Fig. 5." *Id.*, p. 22, para. 75. "The ability to chain multiple order request servicing systems 110 together enables a business to model its complex supply chains and to present a virtual direct sales model to its customers." *Id.* In the embodiment shown in Fig. 5, each of order request servicing system 2 and order request servicing system N serves as a spoke in the order servicing network 130 with order request servicing system 1 as a hub. *Id.* "In addition, each of order request servicing system 2 and order request servicing system N serves as a hub in its own order servicing network 130." *Id.* Each order request servicing system of dependent claim 9 can perform the method recited in claim 1.

Claim 14.

With reference to the example embodiments of Figures 2 and 5 set forth above, the invention of claim 14 is an order servicing organization system for routing order requests from client systems to multiple order request management systems ("ORMSs") 120 of fulfillment partners and integrating respective ORMS data from ORMSs 120 of each fulfillment partner. The order servicing organization system includes a first order servicing system 110 that receives an order request from a client system 105.

The order request servicing system 110 is an intermediate system disposed between the client system 105 and order request management systems 120 used by fulfillment partners. A processing engine of the order request servicing system performs the operations described in the following paragraphs.

"An order request such as an order placement or order inquiry flows from a customer to a client system 105 through an order request servicing system 110 to an order request management system 120". Substitute Specification, p. 14, para. 51. "Order request management system data such as a response to the order request flows back from the order request management system

120 through the order request servicing system 110 and client system 105 to the customer 102." *Id.*

The intermediary order request servicing system 110 routes order request information in accordance with an analytical process performed by the order request servicing system 110. "Upon receiving an order request from the client system 105, the order request servicing system 110 analyzes the order request." *Id.* "The order request servicing system 110 analyzes the order to identify items ordered and selects at least one order request management system 120 from the business relationships of the client using the client's routing rules." *Id.*, p. 11, para. 40.

Once the order request servicing system 110 receives the order, the order request servicing system 110 uses a routing object 324 to determine whether to split the order into portions according to the different items ordered. *Id.*, pp. 18-19, para. 64. Referring to Figures 3 and 4, "routing object 324 selects a provider for each item from the business relationships retrieved by the user management system 310 and associated routing rules." *Id.* "The routing object 324 produces a fulfillment plan 430 for the order indicating a selected provider for each item ordered." *Id.* "Provider orders 440 are created by the routing object 324 for each provider selected." *Id.*

The order request servicing system 110 also integrates information flow from multiple fulfillment providers of a single order to provide an integrated presentation to the client system 105. "A response to an order request flows from the provider order request management systems 120 through the order request servicing system 110 and the client system 105 to the customer 102." *Id.*, pp. 15-16, para. 53. "Each provider order status is communicated to and analyzed by the order request servicing system 110 to produce an integrated order status for the order from which the provider order originated." *Id.* "During the entire process, the order request servicing system 110 integrates all order information from the providers' order request management systems, providing a single integrated source of complete, accurate, and timely order status information." *Id.*, p. 11, para. 40.

Claim 18.

Dependent claim 18 includes all of the limitations of independent claims 1 and 16 and is further directed to a system having a chain of N intermediary order request servicing systems in an order servicing organization as illustratively depicted in Figures 5A and 5B (collectively

referred to as Figure 5). Thus, "the order request servicing system 110 can interface with a provider's order request management system 120 that is also an order request servicing system 110, as shown by the order request servicing system 2 and order request servicing system N modules in Fig. 5." *Id.*, p. 22, para. 75. "The ability to chain multiple order request servicing systems 110 together enables a business to model its complex supply chains and to present a virtual direct sales model to its customers." *Id.* "In the embodiment shown in Fig. 5, each of order request servicing system 2 and order request servicing system N serves a spoke in the order servicing network 130 with order request servicing system 1 as a hub." *Id.* "In addition, each of order request servicing system 2 and order request servicing system N serves as a hub in its own order servicing network 130." *Id.* Each order request servicing system of dependent claim 18 can function in the same way as the order request servicing system recited in claim 14.

Claim 20

Claims 20 is a means plus function type claim. The concise explanation of independent claim 20 follows directly from the explanation of claim 1 in that claim 20 claims means that perform the functions of the method of claim 1. Thus, the functions of each mans plus cunction element of claim 20 are illustratively set forth in the description of claim 1. Every means plus function and structure and acts described in the specification corresponding to each claimed function is set forth with reference to the specification in Table 1 below.

Means Plus Function Element	**Element**	**Substitute Specification and Figure References**
means for receiving an order request from a client system;	Order request servicing system 110	Page 14, para. 51; and Figure 2.
means for processing the order request into multiple processed order requests;	Order request servicing system 110; Routing Objects 324; Analyze Order Request/Response and Create Necessary Transactions module 520	Page 14, para. 51; Page 20, para. 69; and Figures 2 and 6.

Means Plus Function Element	Element	Substitute Specification and Figure References
means for selecting fulfillment partners for each of the processed order requests;	Order request servicing system 110; Order Request Provider Objects 326; Business relationship objects 314; and Step 622	Page 14, para. 51; Page 16, para. 55; Page 20, para. 69; Page 22, para. 79; and Figures 3 and 7.
means for transmitting the processed order request to the ORMS of the selected fulfillment partner;	Order Request Provider Object 326	Page 18, para. 61; and Figure 3.
means for receiving from each of the ORMSs of the selected fulfillment partners ORMS data associated with the processed order request transmitted to the ORMS of the fulfillment partners;	Order request managing system 120	Figures 2, 3, and 5B.
means for integrating the received ORMS data from the ORMSs of the fulfillment partners.	Order request servicing system 110; and Analyze Order Request/Response and Create Necessary Transactions module 520.	Page 12, para. 43; Page 21, para. 72; Figure 1; and Figure 5A.

TABLE 1

Claim 21.

Claim 22 relates to a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform a method for utilizing an order

request servicing system for routing order requests to multiple order request management systems ("ORMSs") of fulfillment partners and integrating respective ORMS data from ORMSs of each fulfillment partner. The method for utilizing the order request servicing system is essentially the same as the method of claim 1.

Claim 22.

Claim 22 relates to a system that comprises an order request servicing system for routing order requests from client systems to multiple order request management systems ("ORMSs") 120 of fulfillment partners and integrating respective ORMS data from ORMSs 120 of each fulfillment partner. Components of the order request servicing system perform the same functions as the processing engine of claim 14. Thus, the description of the functions described in claim 14 illustratively describe the elements of claim 22.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL - 37 CFR § 41.37(c)(1)(vi)

Claims 1 and 4-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hennig et al. (*Hennig*) U.S. Patent No. 6,587,827 in view of Bright et al. (*Bright*) U.S. Patent Publication No. US 2002/0012731 A1.

ARGUMENT - 37 CFR § 41.37(c)(1)(vii)

To establish obviousness based on a combination of elements disclosed in the prior art or a modification of the prior art, there must be some motivation, suggestion or teaching of the desirability of making the claimed invention. *See In re Dance*, 160 F.3d 1339, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998); *In re Gordon*, 733 F.2d 900, 221 USPQ 1125, 1127 (Fed. Cir. 1984). The motivation, suggestion or teaching may come explicitly from statements in the prior art, the knowledge of one of ordinary skill in the art, or, in some cases, the nature of the problem to be solved. *In re Dembiczak*, 175 F.3d 994, 998, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Broad conclusory statements standing alone are not "evidence" of obviousness. *Id.* Additionally, hindsight is an impermissible basis for establishing a prima facie case of obviousness. W.L. Gore & Assocs. v. Garlock, Inc., 721 F.2d 1540, 1551, 220 USPQ 303, 312-13 (Fed. Cir. 1983). To prevent a hindsight-based obviousness analysis, the Federal Circuit has clearly established that the relevant inquiry for determining the scope and content of the prior art is whether there is a reason, suggestion, or motivation in the prior art or elsewhere that would

have led one or ordinary skill in the art to select and modify *Hennig* in accordance with *Bright* so as to render the present invention obvious under 35 U.S.C. § 103. *See Ruiz v. A.B. Chance Co.*, 234 F.3d 654, 665, 57 USPQ2d 1161, 1167 (Fed. Cir. 2000).

Applicants respectfully submit that the Examiner has misconstrued and over-extended the teachings of *Hennig* in view of *Bright* and engaged in impermissible hindsight to reject claims 1 and 4-29. Accordingly, for at least the reasons submitted below, Applicants respectfully submit that claims 1 and 4-29 are allowable over *Hennig* in view of *Bright*.

Claim 1.

In contrast to the combined teachings of *Henig* and *Bright*, the invention of claim 1 recites a "method for utilizing the order request servicing system comprising: receiving with the order request servicing system an order request from a client system, processing the received order request [received from the client system] into multiple processed order requests, and selecting fulfillment partners for each of the processed order requests." *Present Application*, claim 1 (emphasis added).

As admitted by the Examiner on page 2, para 5 of the September 17, 2004 Final Office Action ("Final Office Action"), *Henig* teaches that "[a] customer selects a preferred supplier for delivery of a product." *Henig* specifically teaches that "For each customer order received, the client 10 determines a preferred supplier 14 for the product ordered (block 40)." *Henig*, col. 5, lns. 51-54 (emphasis added). *Henig* further teaches that "It should also be appreciated that a customer order may be for a large amount of product that may not be available at one supplier, or may specify several different shipping destinations that may not be convenient to a single supplier. In either event, there may be more than one preferred supplier determined [by the customer] to accommodate the availability constraints or the shipping destinations requested." *Id.*, col. 1, ln. 64 through col. 2, ln. 3. Thus, the client 10 may determine that additional suppliers may be needed, and the client 10 and not server 12 "determines a preferred supplier 14 for the product ordered." *Id.*, col. 5, lns. 51-54.

The Examiner correctly identifies that block 54 or Figure 4 in *Henig* states that the "server determines the existence and identification of preferred supplier." However, when this portion of *Henig* is taken in context, Applicants respectfully submit that *Henig* does not teach

that the server 12 is capable of "processing the received order request [received from the client system] into multiple processed order requests and selecting fulfillment partners for each of the processed order requests" as required by Claim 1. Figure 3, block 40 of *Henig* states that the "client determines a preferred supplier." Again, "the client 10 determines a preferred supplier 14 for the product ordered (block 40)." *Henig*, col. 5, lns. 52-53. Taking *Henig's* teachings in context, *Henig* teaches that "From the order event, the server 12 determines the identification of the preferred supplier 14 (block 54) and verifies that this preferred supplier 14 actually exists (block 56)." *Id.*, col. 6, lns. 26-28 (emphasis added). *Henig* teaches that the "client 10 ... creates an order event." *Id.*, col. 6, lns. 7-9.

Thus, *Henig* is teaching that the client 10 "determines a preferred supplier" and the server 12 determines whether the client 10 has identified a preferred supplier 14 in the order event created by the client 10. Accordingly, the server 12 does not "[select] fulfillment partners for each of the processed order requests" as required by Claim 1. **In fact,** *Henig* teaches that if "[i]f the [preferred] supplier 14 is not found [in the order event created by the client 10], the server 12 sends a rejection event to the client 10 (block 58)." Thus, *Henig*'s teachings on the role of the client 10 and server 12 relating to the selection of a preferred supplier are in complete contrast and **actually teach against** "utilizing an order request servicing system" for "processing the received order request [received from the client system] into multiple processed order requests and selecting fulfillment partners for each of the processed order requests" as recited in Claim 1.

Bright relates to an ESO [Electronic Sales Orders] system. *Bright* teaches that a supplier receives an order from an electronic sales order from a customer. Thus, *Bright* implicitly teaches that the customer/client has selected the supplier.

Furthermore, Applicants respectfully submit that neither *Henig* nor *Bright*, alone or in combination, teach or suggest "utilizing the order request servicing system, [that receives an order request from a client system], for processing the received order request into multiple processed order requests, and for each of the processed order requests, transmitting the processed order request to the ORMS ["Order Request Management System"] of the selected fulfillment partner." *Henig* teaches that the "the server 12 directs **the** order event [received from the client 10] to the preferred supplier 14 if there is a supplier 14 (block 60) [already determined by the

client 10]" *Henig*, col. 6, lns. 34-35. Thus, *Henig* fails to teach "processing the received order request into multiple processed order requests" as required by Claim 1.

The Examiner stated that *Henig* teaches that "the supplier (fulfillment partner) ships the product to the customer and creates a confirmation event (receiving from the ORMSs of the selected fulfillment partners ORMS data associated with the processed order request transmitted to the ORMS of the fulfillment partner." However, the confirmation event relates to one supplier not to multiple fulfillment partners as recited in claim 1.

Bright teaches that "the ESO pre-processor splits the ESO into multiple requests if there are multiple line items supplied by different delivery plants that are not configured to share the same sales area in SAP." *Id.*, para. 17. Thus, *Bright* teaches that the supplier receives one request, and the ESO pre-processor system can split the request into multiple requests if the line items will be supplied by different delivery plants. This interpretation is supported by *Bright's* next statement that "Without this function, the supplier would have to perform this activity manually." *Id.* Thus, the split requests are indeed for the same supplier and not split among multiple suppliers. See also, *Bright* paras. 22, 116, and 123. (In para. 18, *Bright* refers to a "third party availability check". However, Applicants respectfully submit that the "third party availability check" in para. 18 refers to the use of third party software to check availability. Specifically, *Bright* teaches that "a supplier enabled for electronic commerce using the SAP AG Corporation sales and distribution modules for order fulfillment can use the Electronic Sales Order (ESO) pre-processor (e.g. the order interceptor) to perform an asynchronous availability check (using, for example, the PROFIT Available to Promise (ATP) by International Business Machine Corp., or any other suitable third party software package)." *Id.*, para. 16.)

Furthermore, neither the Examiner nor *Henig* in combination with *Bright* contain any teachings or suggestions of **"integrating the received ORMS data from the ORMSs of the fulfillment partners"** as required by Claim 1.

Thus, the combination of *Henig* and *Bright* teach that a client system determines the supplier of an order, the server in *Henig* can direct the order to the supplier if the client determines the supplier, and the supplier in *Bright* can direct the order to different delivery plants of the same supplier. Accordingly, *Henig* and *Bright* in combination fail to teach the sophistication and allocation of tasks to the order request servicing system recited in claim 1:

receiving with the order request servicing system an order request from a client system;

processing the received order request into multiple processed order requests;

selecting fulfillment partners for each of the processed order requests;

for each of the processed order requests, transmitting the processed order request to the ORMS of the selected fulfillment partner;

receiving from each of the ORMSs of the selected fulfillment partners ORMS data associated with **the** processed order request transmitted to the ORMS of the fulfillment partners; and

integrating the received ORMS data from the ORMSs of the fulfillment partners.

Claims 14, 20, 21, and 22.

Claim 14 specifically claims "an order servicing organization system for routing order requests to multiple order request management systems ("ORMSs") of fulfillment partners and integrating respective ORMS data from ORMSs of each fulfillment partner." The order servicing organization system includes "an interface to receive an order request from a client system, a memory to store business relationship information relating a client and the fulfillment partners, and a processing engine." Claim 14. The processing engine of the order servicing organization system is capable of performing essentially the same method as recited in Claim 1. Accordingly, Applicants remarks for the non-obviousness of Claim 1 equally apply to Claim 14 and are incorporated by reference.

Claim 20 specifically claims "a transaction processing system having an order request servicing system for routing order requests to multiple order request management systems ("ORMSs") of fulfillment partners and integrating respective ORMS data from ORMSs of each fulfillment partner." The transaction processing system includes means for performing the functions set forth in the method of Claim 1. Accordingly, Applicants remarks for the non-obviousness of Claim 1 equally apply to Claim 20 and are incorporated by reference.

Claim 21 specifically claims "a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform a method for utilizing an order request servicing system for routing order requests to multiple order request

management systems ("ORMSs") of fulfillment partners and integrating respective ORMS data from ORMSs of each fulfillment partner." The method for utilizing an order request servicing system performed with the program of instructions is the same method as recited in Claim 1. Accordingly, Applicants remarks for the non-obviousness of Claim 1 equally apply to Claim 21 and are incorporated by reference.

Claim 22 specifically claims a system that includes "an order request servicing system for routing order requests to multiple order request management systems ("ORMSs") of fulfillment partners and integrating respective ORMS data from ORMSs of each fulfillment partner." The order request servicing system includes components to perform essentially the same method as recited in Claim 1. Accordingly, Applicants remarks for the non-obviousness of Claim 1 equally apply to Claim 22 and are incorporated by reference.

Claims 9 and 18.

Claims 9 and 18 are addressed together. All references to Claim 9 have essentially parallel passages in Claim 18. Applicants respectfully submit that *Henig* in combination with *Bright* fails to teach or suggest "wherein the order request servicing system is a hub in an order servicing organization and the ORMS [(order request management system)] of a first of the fulfillment partners comprises a spoke in the order servicing organization and further comprises another order request servicing system." Claim 9. Referring to Figure 1, *Henig* teaches that "the server 12 also communicates with a plurality of supplier computers (suppliers) 14 and a supplier hub 15 through the network 8." *Henig*, col. 3, lns. 34-36. *Henig* also teaches that "the system of the present invention communicates with the supplier hub 15 in the same manner as subscribing suppliers 14, but the supplying entities have only limited access to information that is supplied to the supplying hub 15 itself." *Id.*, col. 3, lns. 52-56.

However, claim 9 is not simply directed to a hub and spoke arrangement of servers and suppliers. Applicants respectfully submit that the Examiner has attempted to construct the present invention from the teachings of *Henig* using impermissible hindsight. In Claim 9, the ORMS of a first of the fulfillment partners comprises a spoke in the order servicing organization and further comprises another order request servicing system, the method of Claim further includes using the order request servicing system of the first fulfillment partner to:

(a) process the processed order request of the first fulfillment partner into multiple processed order requests;

(b) select fulfillment partners for each of the processed order requests in (a);

(c) for each of the processed order requests in (a), transmitting the processed order request to the ORMS of the selected fulfillment partner in (b);

(d) receive from each of the ORMSs of the fulfillment partners in (c) ORMS data associated with the processed order request transmitted to the ORMS of the fulfillment partners in (c); and

(e) integrate the received ORMS data from the ORMSs of the fulfillment partners in (d).

Henig does not provide any level of teaching that approaches the requirements of Claims 9and 18 for the ORMS of the first of the fulfillment partners. The Examiner states that "It is clear that *Henig*'s system could be used multiple times to select N preferred suppliers for N orders which could have been bundled into a composite order M (M containing N orders). Final Office Action, p. 3, para. 5. "From this composite order M all preferred suppliers for the N orders are derived." *Id.* However, as discussed above, the only the client 10 of *Henig* selects a preferred supplier. The client 10 is not part of the hub taught by *Henig*. Furthermore, there is no teaching or suggestion in *Henig* in combination with *Bright* of the depth of the hub/spoke relationship recited by claim 9, e.g. client system-- > order request servicing system -- > (N ORMSs and M ORMSs/order request servicing systems -- > X ORMSs, where N, M, and X are integers representing the number of different systems.

CLAIMS APPENDIX - 37 CFR § 41.37(c)(1)(viii)

A copy of the pending claims involved in the appeal is attached as Claims Appendix.

EVIDENCE APPENDIX - 37 CFR § 41.37(c)(1)(ix)

There is no evidence relied upon in the appeal.

RELATED PROCEEDINGS APPENDIX - 37 CFR § 41.37(c)(1)(x)

There are no related proceedings.

CONCLUSION

For the reasons set forth above, Applicants respectfully submit that independent Claims 1, 14, 20, 21, and 22 and dependent claims 9 and 18 are allowable. Applicants also respectfully submit that claims dependent upon claims 1, 14, 20, 21, and 22 are allowable for at least the same reasons as the independent claim upon which each dependent claim directly or indirectly depends.

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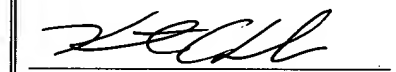

Attorney for Applicant

August 15, 2005

Date of Signature

Respectfully submitted,

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CLAIMS APPENDIX

1. (PREVIOUSLY PRESENTED) A transaction processing method for utilizing an order request servicing system for routing order requests to multiple order request management systems ("ORMSs") of fulfillment partners and integrating respective ORMS data from ORMSs of each fulfillment partner, the method for utilizing the order request servicing system comprising:

receiving with the order request servicing system an order request from a client system;

processing the received order request into multiple processed order requests;

selecting fulfillment partners for each of the processed order requests;

for each of the processed order requests, transmitting the processed order request to the ORMS of the selected fulfillment partner;

receiving from each of the ORMSs of the selected fulfillment partners ORMS data associated with the processed order request transmitted to the ORMS of the fulfillment partners; and

integrating the received ORMS data from the ORMSs of the fulfillment partners.

2. (CANCELLED)

3. (CANCELLED)

4. (PREVIOUSLY PRESENTED) The method of claim 1 wherein the order request includes placement of an order for one or more items, each item being selected from a group consisting of a good or a service.

5. (PREVIOUSLY PRESENTED) The method of claim 1 wherein the order request includes multiple ordered items and processing the order request into multiple processed order requests further comprises:

splitting the order request into the multiple processed order requests wherein each processed order request includes at least one of the items.

6. (PREVIOUSLY PRESENTED) The method of claim 1 wherein the order request includes multiple ordered items for a client and selecting fulfillment partners for each of the processed order requests further comprises:

using electronically stored routing rules to select a fulfillment partner from business relationships of the client to provide each item ordered.

7. (PREVIOUSLY PRESENTED) The method of claim 1 wherein the order request includes multiple ordered items, the method further comprising:

generating a fulfillment plan which pairs each item in the order with a selected fulfillment partner.

8. (PREVIOUSLY PRESENTED) The method of claim 1 wherein the order request is a request to view information related to orders including ORMS catalog information.

9. (PREVIOUSLY PRESENTED) The method of claim 1 wherein the order request servicing system is a hub in an order servicing organization and the ORMS of a first of the fulfillment partners comprises a spoke in the order servicing organization and further comprises another order request servicing system, the method further comprising using the order request servicing system of the first fulfillment partner to:

(a) process the processed order request of the first fulfillment partner into multiple processed order requests;

(b) select fulfillment partners for each of the processed order requests in (a);

(c) for each of the processed order requests in (a), transmitting the processed order request to the ORMS of the selected fulfillment partner in (b);

(d) receive from each of the ORMSs of the fulfillment partners in (c) ORMS data associated with the processed order request transmitted to the ORMS of the fulfillment partners in (c); and

(e) integrate the received ORMS data from the ORMSs of the fulfillment partners in (d).

10. (PREVIOUSLY PRESENTED) The method of claim 1 wherein:

receiving an order request includes receiving the order request through a gateway, each gateway being selected from a group consisting of the following:

an electronic data interchange (EDI) gateway; and

an extensible markup language (XML) gateway;

transmitting each processed order request to one of the selected ORMSs includes using a communication link to the selected ORMS;

receiving respective ORMS data from each of the selected fulfillment partners includes receiving respective ORMS data via the communication link; and

the communication link is selected from a group consisting of the following:

the Internet;

one or more direct communication links;

a satellite network;

a cellular network; and

a local data transport system.

11. (PREVIOUSLY PRESENTED) The method of claim 1 wherein:

receiving respective ORMS data from each of the selected ORMSs includes at least one of the following:

receiving respective ORMS data from each of the selected fulfillment partners individually; and

receiving respective ORMS data from each of the selected fulfillment partners in a batch in response to a transaction transmitted from the order servicing system to each of the ORMSs of the selected fulfillment partners.

12. (PREVIOUSLY PRESENTED) The method of claim 1 wherein receiving an order request includes receiving the order request from a client system.

13. (PREVIOUSLY PRESENTED) The method of claim 12 wherein the client system includes at least one of the following:

a computer system with a client interface that is used by customers to place order requests;

the order request servicing system recursively calling itself; and

a first order request servicing system transmitting one or more processed order requests to an ORMS, the ORMS including a second order request servicing system.

14. (PREVIOUSLY PRESENTED) An order servicing organization system for routing order requests to multiple order request management systems ("ORMSs") of fulfillment partners and integrating respective ORMS data from ORMSs of each fulfillment partner, the order servicing organization system comprising:

a first order request servicing system having an interface to receive an order request from a client system, having a memory to store business relationship information relating a client and the fulfillment partners, and having a processing engine to:

process the order request into multiple processed order requests;

select fulfillment partners for each of the processed order requests using the business relationship information;

for each of the processed order requests, transmit the processed order request to the ORMS of the selected fulfillment partner;

receive from each of the ORMSs of the selected fulfillment partners ORMS data associated with the processed order request transmitted to the ORMS of the fulfillment partners; and

integrate the received ORMS data from the ORMSs of the fulfillment partners.

15. (PREVIOUSLY PRESENTED) The order servicing organization system of claim 14 wherein the order request includes multiple ordered items for a client, and the first order request servicing system further comprises:

routing objects to access the business relationship information and select the fulfillment partners for each of the processed order requests.

16. (PREVIOUSLY PRESENTED) The order servicing organization system of claim 14 further comprising:

a client system having a client interface; and

a communication link between the client system and the first order request servicing system.

17. (PREVIOUSLY PRESENTED) The order servicing organization system of claim 16 wherein the client interface is selected from a group comprising a kiosk, a web storefront, and an Internet terminal.

18. (PREVIOUSLY PRESENTED) The order servicing organization system of claim 16 wherein the first order request servicing system is a hub in the order servicing system, the order servicing organization system further comprising:

N order request servicing systems which form order servicing system spokes from the first order request servicing system, each of the N order request servicing systems having an interface to receive a processed order request from the first order request servicing system, having a memory to store business relationship information, wherein N is a positive integer, the N order request servicing systems each further having a processing engine to:

(a) process the processed order request into multiple processed order requests;

(b) select fulfillment partners for each of the processed order requests in (a);

(c) for each of the processed order requests in (a), transmitting the processed order request to the ORMS of the selected fulfillment partner in (b);

(d) receive from each of the ORMSs of the fulfillment partners in (c) ORMS data associated with the processed order request transmitted to the ORMS of the fulfillment partners in (c); and

(e) integrate the received ORMS data from the ORMSs of the fulfillment partners in (d).

19. (PREVIOUSLY PRESENTED) The order servicing organization system of claim 16 wherein the order request includes an order for one or more items, each item being selected from a group consisting of a good or a service.

20. (PREVIOUSLY PRESENTED) A transaction processing system having an order request servicing system for routing order requests to multiple order request management systems ("ORMSs") of fulfillment partners and integrating respective ORMS data from ORMSs of each fulfillment partner, the transaction processing system comprising:

means for receiving an order request from a client system;

means for processing the order request into multiple processed order requests;

means for selecting fulfillment partners for each of the processed order requests;

means for transmitting the processed order request to the ORMS of the selected fulfillment partner;

means for receiving from each of the ORMSs of the selected fulfillment partners ORMS data associated with the processed order request transmitted to the ORMS of the fulfillment partners; and

means for integrating the received ORMS data from the ORMSs of the fulfillment partners.

21. (PREVIOUSLY PRESENTED) A program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform a method for utilizing an order request servicing system for routing order requests to multiple order request management systems ("ORMSs") of fulfillment partners and integrating respective ORMS data from ORMSs of each fulfillment partner, the method for utilizing an order request servicing system comprising:

receiving with the order request servicing system an order request from a client system;

processing the order request into multiple processed order requests;

selecting fulfillment partners for each of the processed order requests;

for each of the processed order requests, transmitting the processed order request to the ORMS of the selected fulfillment partner;

receiving from each of the ORMSs of the selected fulfillment partners ORMS data associated with the processed order request transmitted to the ORMS of the fulfillment partners; and

integrating the received ORMS data from the ORMSs of the fulfillment partners.

22. (PREVIOUSLY PRESENTED) A system comprising:

an order request servicing system for routing order requests to multiple order request management systems ("ORMSs") of fulfillment partners and integrating respective ORMS data from ORMSs of each fulfillment partner, wherein the order request servicing system includes components to:

receive an order request from a client system in electronic communication with the order request servicing system;

process the received order request into multiple processed order requests;

select fulfillment partners for each of the processed order requests;

for each of the processed order requests, transmit the processed order request to the ORMS of the selected fulfillment partner;

receive from each of the ORMSs of the selected fulfillment partners ORMS data associated with the processed order request transmitted to the ORMS of the fulfillment partners; and

integrate the received ORMS data from the ORMSs of the fulfillment partners.

23. (PREVIOUSLY PRESENTED) The method of claim 1 wherein:

processing the received order request into multiple processed order requests comprises:

retrieving business relationship rules between a client and fulfillment partners;

retrieving business relationship data applicable to the business relationship rules; and

selecting fulfillment partners for each of the processed order requests comprises:

for each processed order request, selecting fulfillment partners in accordance with the business relationship rules and business relationship data.

24. (PREVIOUSLY PRESENTED) The method of claim 1 further comprising:
determining an order status for the received order request from the received ORMS data associated with the processed order request.

25. (PREVIOUSLY PRESENTED) The method of claim 1 wherein the client system is another order request servicing system.

26. (PREVIOUSLY PRESENTED) The system of claim 20 further comprising:
means for retrieving business relationship rules between a client and fulfillment partners;
means for retrieving business relationship data applicable to the business relationship rules; and
for each processed order request, means for selecting fulfillment partners in accordance with the business relationship rules and business relationship data.

27. (PREVIOUSLY PRESENTED) The method of claim 21 wherein:
processing the received order request into multiple processed order requests comprises:
retrieving business relationship rules between a client and fulfillment partners;
retrieving business relationship data applicable to the business relationship rules; and
selecting fulfillment partners for each of the processed order requests comprises:
for each processed order request, selecting fulfillment partners in accordance with the business relationship rules and business relationship data.

28. (PREVIOUSLY PRESENTED) The method of claim 21 wherein the client system is an order request servicing system.

29. (PREVIOUSLY PRESENTED) The system of claim 22 wherein:
to process the received order request into multiple processed order requests comprises:
retrieving business relationship rules between a client and fulfillment partners;
retrieving business relationship data applicable to the business relationship rules; and

to select fulfillment partners for each of the processed order requests comprises:

for each processed order request, selecting fulfillment partners in accordance with the business relationship rules and business relationship data.